IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 22169 of 1995

Between:

1 Badireddy Srinivasa Rao S/o Late Suraiah, Hindu
R/o Tantikonda, Gokavaram Mandal,
E.G.District.
2 Badireddy Narsaiah Dora S/o Late Suraiah
R/o Tantikonda, Gokavaram Mandal,
E.G.District.

.....PETITIONERS

AND

1 The Govt.of A.P., rep.by its Secretary,
Social Welfare Department, Secretariat Buildings,
Hyderabad.
2 Agent to Govt., Kakinada, E.G.District.
3 Special Dy.Tasildar, Tribal Welfare,
Rampachodavaram, E.G.District.
4 Mandal Revenue Officer,
Gokavaram Mandal, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Certiorari or any other appropriate Writ, Order, or Direction declaring the action of the 1st respondent in evicting the petitioners from the land measuring Ac.3.65 Cents in S.No.11 Pedabheemapalli, Gokavaram Mandalam, E.G.Dist. as illegal, arbitrary and without jurisdiction and for consequential direction quashing the orders of the 1st respondent dated 7-6-95 in GO Rt.No.32/84.

Counsel for the Petitioner:MR.M.LAKSHMANA SARMA

Counsel for the Respondent No.: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

This writ petition is filed challenging the action of the 1st respondent-Government of A.P. in evicting the petitioners from the land admeasuring Ac.3.65 cts in S.No.11 of Pedabheemapalli, Gokavaram Mandal, East Godavari District as illegal, arbitrary, and seeks a consequential direction to quash the order of the 1st respondent.

The Special Deputy Tahsildar, Tribal Welfare, Rampachodavaram, East Godavari District-3rd respondent herein filed a petition under Section 3 of the Andhra Pradesh (Scheduled Area) Land Transfer Regulation 1 of 1959 (for short 'the Regulation') as amended by Regulation 1 of 1970 on behalf of the State for restoration of the petition schedule land to Government from the writ petitioner on the ground that the transfer of land which took place on 21.03.1970 between two non-tribals, is void under Section 3(1)(a) of the Regulation 1 of 1959. The Court below on consideration of the material available on record, while ordering ejection of the petitioner from the land in question restored the said land to the Government for disposal under Sec. 3(2)(b) in Regulation 32 of 1984, dated 20.08.1984. Aggrieved by the said order, the writ petitioner herein carried the matter before the lower appellate Court i.e., the 2nd respondent, Agent to Government, East Godavari District in C.M.A.No.32 of 1984. The lower appellate Court *inter alia* held that except the registered sale deed dated 21.03.1970, the writ petitioner did not file any documentary evidence either in the lower Court or before the appellate Court. He also could not establish the fact that the land in question was not in possession of a tribal prior to its possession by the vendor or his predecessors. The lower appellate Court on consideration of the evidence categorically held that the transfer of the said land in this particular case took place on 21.03.1970 i.e., after the amended Regulation 1 of 1970 came into force with effect from 03.02.1970, the

transaction is void and confirmed the finding of the lower Court. The 2nd respondent authority having considered the entire material on record confirmed the orders passed by both the Courts below.

On perusal of the entire material available on record,

I therefore do not see any merits warranting interference by this Court under Article 226 of the Constitution of India. The writ petition fails and is accordingly dismissed. No costs.

25.11.2004

MRKR/KK

To

1 The Secretary, Govt.of A.P.,
Social Welfare Department, Secretariat Buildings,
Hyderabad.
2 Agent to Govt., Kakinada, E.G.District.
3 Special Dy.Tasildar, Tribal Welfare,
Rampachodavaram, E.G.District.
4 Mandal Revenue Officer,

Gokavaram Mandal, E.G.District.

5. Two C.C. to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT)

6. Two C.D.copies.